

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

5
6
7
8
9
10

12
13
14
15
16

17

19
20
21
22
23
24
25

APPLICABLE AUTHORITIES

Section 116555(a) (1) of the CHSC states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

Section 116655 of the CHSC states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an Order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An Order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.



(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

CCR, Title 22, Section 64431, states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

CCR Title 22, Section 64432, states in relevant part:

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or



1 (2) Inform the Department within seven days from the receipt of the analysis
2 and, as confirmation, collect one additional sample within 14 days from
3 receipt of the analysis. If the average of the two samples collected exceeds
4 the MCL, this information shall be reported to the Department within 48
5 hours and the water supplier shall monitor quarterly beginning in the next
6 quarter after the exceedance occurred.

7 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within
8 48 hours of receipt of the result the water supplier shall notify the Department and
9 resample as confirmation. The water supplier shall notify the Department of the
10 result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation
11 result(s).

12 (1) If the average concentration of the original and confirmation sample(s) is
13 less than or equal to ten times the MCL, the water supplier shall monitor
14 quarterly beginning in the quarter following the quarter in which the
15 exceedance occurred.

16 (2) If the average concentration of the original and confirmation sample(s)
17 exceeds ten times the MCL, the water supplier shall, if directed by the
18 Department;

19 (A) Immediately discontinue use of the contaminated water source; and

20 (B) Not return the source to service without written approval from the
21 Department.
22



1 (i) Compliance with the MCLs shall be determined by a running annual average; if
2 any one sample would cause the annual average to exceed the MCL, the system is
3 immediately in violation. If a system takes more than one sample in a quarter, the
4 average of all the results for that quarter shall be used when calculating the running
5 annual average. If a system fails to complete four consecutive quarters of monitoring,
6 the running annual average shall be based on an average of the available data.

7 8 **STATEMENT OF FACTS**

9
10 The City of Banning (hereinafter, City) serves water to approximately 30,325
11 individuals through approximately 10,455 service connections. The water system is
12 operated under Domestic Water Supply Permit No. 05-20-06P-004, issued on May 2,
13 2006 and consists of twenty-one active wells, thirteen reservoirs and five booster
14 stations. In addition, the City purchases domestic water from the Beaumont Cherry
15 Valley Water District (BCVWD) via an 8-inch 1,000 gallon per minute (gpm)
16 connection, and sells domestic water to the High Valleys Water District (HVWD)
17 through a 6-inch 135 gpm connection. The water system is a community public water
18 system as defined in the California Health and Safety Code, Section 116275.

19
20 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water
21 standards and monitoring and reporting requirements for inorganic constituents.
22 Community water systems must comply with the maximum contaminant level for
23 hexavalent chromium of 0.010 mg/L, as established in Title 22 CCR Section 64431.



Samples collected in December 2014 showed hexavalent chromium concentrations over the MCL in water produced by seven (7) of the City's twenty-one (21) domestic wells as noted in **Table 1** below. Therefore, in accordance with Section 64432 (g), the City was required to begin quarterly hexavalent chromium monitoring of each non-compliant well, unless it chose to submit an additional sample, which it did not do. Section 64432 (i) provides that compliance with the hexavalent chromium MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Furthermore, Section 64432 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation." A summary of the wells that produce water with hexavalent chromium above the MCL is presented in the table below. All results are as reported to the Division by the laboratory that performed the analysis.

Table 1: Hexavalent Chromium Monitoring Results (in mg/L)

Sample Quarter	Well C2A	Well C3	Well C4	Well C6	Well M10	Well M11	Well M12
4th Quarter 2014	0.017	0.016	0.013	0.014	0.010	0.012	0.022
1st Quarter 2015	0.017	0.015	0.013	0.012	0.011	0.013	0.023
Running Annual Average	0.0085	0.0078	0.0065	0.0065	0.0053	0.0063	0.0113

DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431 in that the water produced by Well M12 during the 1st quarter of 2015, exceeded the hexavalent chromium MCL as shown in **Table 1** above, and further has



1 determined that said violation is continuing through the date of this Order.

2 Furthermore, as noted in the table, it is highly likely that the wells noted in Table 1
3 (Wells C2A, C3, C4, C6, M10, and M11) will exceed the hexavalent chromium MCL
4 this year and also be in violation of CHSC, Section 116555 and Section 64431.

5 DIRECTIVES

6 The City of Banning is hereby directed to take the following actions:
7

- 8 1. On or before July 31, 2015 submit a written response to the Division indicating
9 its agreement to comply with the directives of this Order and with the
10 Corrective Action Plan addressed herein.
11
- 12 2. Commencing on the date of service of this Order, provide quarterly public
13 notification in accordance with **Attachment No. 1**, hereto, of the City of
14 Banning failure to meet the hexavalent chromium MCL during any calendar
15 quarter that the four-quarter running annual average exceeds the MCL.
16
- 17 2. Commencing on the date of service of this Order, submit proof of each public
18 notification conducted in compliance with **Directive No. 2**, herein above, within
19 10 days following each such notification, using the form provided as
20 **Attachment No. 2**, hereto.
21
- 22 4. Commencing on the date of service of this Order collect quarterly samples for
23 hexavalent chromium from each well, as required by Section 64432(g), and
24 ensure that the analytical results are reported to the Division electronically by



1 the analyzing laboratory no later than the 10th day following the month in which
2 the analysis was completed.

3
4 5. Prepare for Division review and approval, and prior to implementation, a
5 Corrective Action Plan identifying improvements to the water system designed
6 to correct the water quality problem (violation of the hexavalent chromium
7 MCL) and ensure that the City of Banning delivers water to consumers that
8 meets primary drinking water standards. The plan shall include a time schedule
9 for completion of each of the phases of the project such as design,
10 construction, and startup, and a date as of which the City of Banning will be in
11 compliance with the hexavalent chromium MCL.

12
13 6. On or before August 31, 2015, present the Corrective Action Plan required
14 under **Directive No. 5**, above, to the Division in person at the Division's offices
15 located at 1350 Front Street, Room 2050, San Diego, California 92101.

16
17 7. Timely perform the Division approved Corrective Action Plan and each and
18 every element of said plan according to the time schedule set forth therein.

19
20 8. On or before August 31, 2015 and every three months thereafter, submit a
21 report to the Division in the form provided as **Attachment No. 3**, hereto,
22 showing actions taken during the previous calendar three months to comply
23 with the Corrective Action Plan.



1
2 9. Not later than ten (10) days following the date of compliance with the
3 hexavalent chromium MCL, demonstrate to the Division that the water
4 delivered by the City of Banning complies with the hexavalent chromium MCL.
5

6 10. Notify the Division in writing no later than five (5) days prior to the deadline for
7 performance of any **Directive** set forth herein if the City of Banning anticipates
8 it will not timely meet such performance deadline.
9

10 All submittals required by this Order shall be addressed to:

11
12 J. Steven Williams, P.E.
13 District Engineer
14 State Water Resources Control Board
15 Division of Drinking Water
16 1350 Front Street, Room 2050
17 San Diego, CA 92101
18
19

20 As used in this Order, the date of issuance shall be the date of this Order; and the
21 date of service shall be the date of service of this Order, personal or by certified mail,
22 on the City of Banning.
23

24 The Division reserves the right to make such modifications to this Order and/or to
25 issue such further Order(s) as it may deem necessary to protect public health and
26 safety. Such modifications may be issued as amendments to this Order and shall be
27 deemed effective upon issuance.



1 Nothing in this Order relieves the City of Banning of its obligation to meet the
2 requirements of the California SDWA, or any regulation, standard, permit or Order
3 issued thereunder.

4 **PARTIES BOUND**

5 This Order shall apply to and be binding upon the City of Banning, its owners,
6 shareholders, officers, directors, agents, employees, contractors, successors, and
7 assignees.

8 **SEVERABILITY**

9 The Directives of this Order are severable, and the City of Banning shall comply with
10 each and every provision hereof, notwithstanding the effectiveness of any other
11 provision.

12 **FURTHER ENFORCEMENT ACTION**

13 The California SDWA authorizes the Board to: issue a Citation with assessment of
14 administrative penalties to a public water system for violation or continued violation of
15 the requirements of the California SDWA or any regulation, permit, standard, Citation,
16 or Order issued or adopted thereunder including, but not limited to, failure to correct a
17 violation identified in a Citation or Compliance Order. The California SDWA also
18 authorizes the Board to take action to suspend or revoke a permit that has been
19 issued to a public water system if the public water system has violated applicable law
20 or regulations or has failed to comply with an Order of the Board; and to petition the
21 superior court to take various enforcement measures against a public water system
22 that has failed to comply with an Order of the Board. The Board does not waive any
23 further enforcement action by issuance of this Order.
24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21



Jeff O'Keefe, P.E., Chief

June 18, 2015
Date

South Coast Section
State Water Resources Control Board
Division of Drinking Water

Certified Mail No. 7009 2250 0000 8390 7200

Enclosures: (1) Public Notification Template w/ Instructions
(2) Proof of Public Notification Form
(3) Quarterly Progress Report

cc: County of Riverside, Department of Environmental Health (w/o attachments)
File – Correspondence (w/o attachments)

City Council, City of Banning, 99 E. Ramsey Street, Banning, CA 92220 (w/ attachments)

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for [contaminant]."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

[System] Has Levels of [Contaminant] Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed [name of contaminant] levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of [standard and units].

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, [Insert relevant health effects language from section 64465 appendix].
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.

_____ Newspaper (if the problem has been corrected). Attach a copy of Notice.

_____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.

_____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Department approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: _____

Signature of Person Serving Notice

**** Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Department within 10 days of posting the notification.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, _____ District Office.

Summary of Compliance Plan:

--

Tasks completed in the reporting quarter:

--

Tasks remaining to complete:

--

Anticipate compliance date:

--

--

Name

--

Signature

--

Title

--

Date